

FILED 31 AUG '11 14:18 USDC-ORP

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

VERNON W. MILLER,

Case No. CV 09-1526 JE

Plaintiff,

OPINION AND ORDER

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security

Defendant.

REDDEN, District Judge:

On June 13, 2011, Magistrate Judge John Jelderks issued his Findings and Recommendation (doc.29) in the above-captioned case, recommending that the court affirm the decision of the Commissioner, and dismiss this action with prejudice.

The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rules of

Civil Procedure 72(b) and 54(d)(2)(D). The magistrate judge makes recommendations to the district court, and any party may file written objections to those recommendations. 28 U.S.C. § 636(b)(1)(C). When a party timely objects to any portion of the magistrate's Findings and Recommendation, the district court must conduct a de novo review of the portions of the Findings and Recommendation to which objections are made. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). The district court may then "accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate with instructions." 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The district court is not required to review de novo the factual and legal conclusions to which the parties do not object. Thomas v. Arn, 474 U.S. 140, 149 (1985); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003).

Plaintiff filed objections to Magistrate Judge Jelderks's Findings and Recommendation. I have, therefore, given those portions of the Findings and Recommendation de novo review. I agree with Magistrate Judge Jelderks's analysis and conclusions.

///

///

///

///

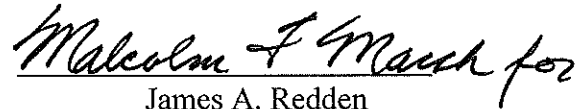
///

///

Plaintiff asserts the same arguments addressed by the Magistrate Judge. Accordingly, I adopt the Findings and Recommendation as my own opinion. I affirm the decision of the Commissioner, and DISMISS this action with prejudice.

IT IS SO ORDERED.

DATED this 29 day of August, 2011.


James A. Redden
U.S. District Court Judge